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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,863	11/19/2003	Bruce Reid Lee		1514

7590 06/03/2005
Bruce R. Lee
6811-89th PINE N.E.
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EXAMINER

WOOD, KIMBERLY T

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,863

Applicant(s)

LEE, BRUCE REID

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>5/25/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>clean fax copy from applicant</u> |

This is an office action for serial number 10/719,863, entitled Scuba Tank Mounting Brackets, in response to Amendments filed on March 9, 2005 and November 1, 2004.

Specification

The substitute specification filed November 1, 2004 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: It does not include a marked up copy of the substitute specification; it introduces new matter consisting of the slots (17) recessed below the face of the bracket and the nuts for screws.

The amendment filed November 1, 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the slots (17) recessed below the face of the bracket and the nuts for screws.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings were received on November 1, 2004. These drawings are disapproved.

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In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application. The Replacement Sheet must be clearly labeled as "Replacement Sheet".

Claim Objections

Claim 1 objected to because of the following informalities: the parenthesis within the claim should removed unless preceding and following a reference number; the words which have been capitalized should be in lower case letters. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and

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use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The recitation of the two brackets longer widths are vertical plain with the narrow widths being the horizontal plain does not comply with the enablement requirement since the direction of the width of the elements should be within a plane being in the same direction not two different planes which would be perpendicular to one another.

Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. A slot that is recessed below the face of the said front side of the first bracket is a new matter situation.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They are replete with grammatical and idiomatic errors.

Claim 1 recites the limitation "The SCUBA tank bracket" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the BCD (Buoyancy Compensating Device)" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "(a triangle shaped pattern)" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "leading edge" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the vertical plain" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "horizontal plain" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "female Dovetail slot" in line 27. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the two shorter brackets" in line 19. There is insufficient antecedent basis for this limitation in the claim.

The claims have been rejected under 35 U.S.C. 112 for the above reasons. Please note that the Examiner may not have pointed out each and every example of indefiniteness. The applicant is required to review all the claim language to make sure the claimed invention is clear and definite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected, as best understood, under 35

U.S.C. 102(b) as being anticipated by Carter 4,55,083. Carter discloses two brackets for a tank having a dove tail slot and attachment member respectively.

Claim 1 is rejected, as best understood, under 35

U.S.C. 102(b) as being anticipated by Banister 4,570,887. Banister discloses two brackets having dovetail slot and member respectively, a stopping point and a pin or means to prevent removal.

Response to Arguments

Applicant should have submitted an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

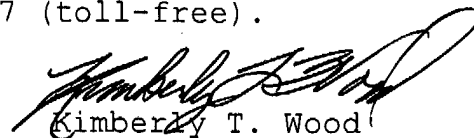
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 571-272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kimberly T. Wood
Primary Examiner
Art Unit 3632

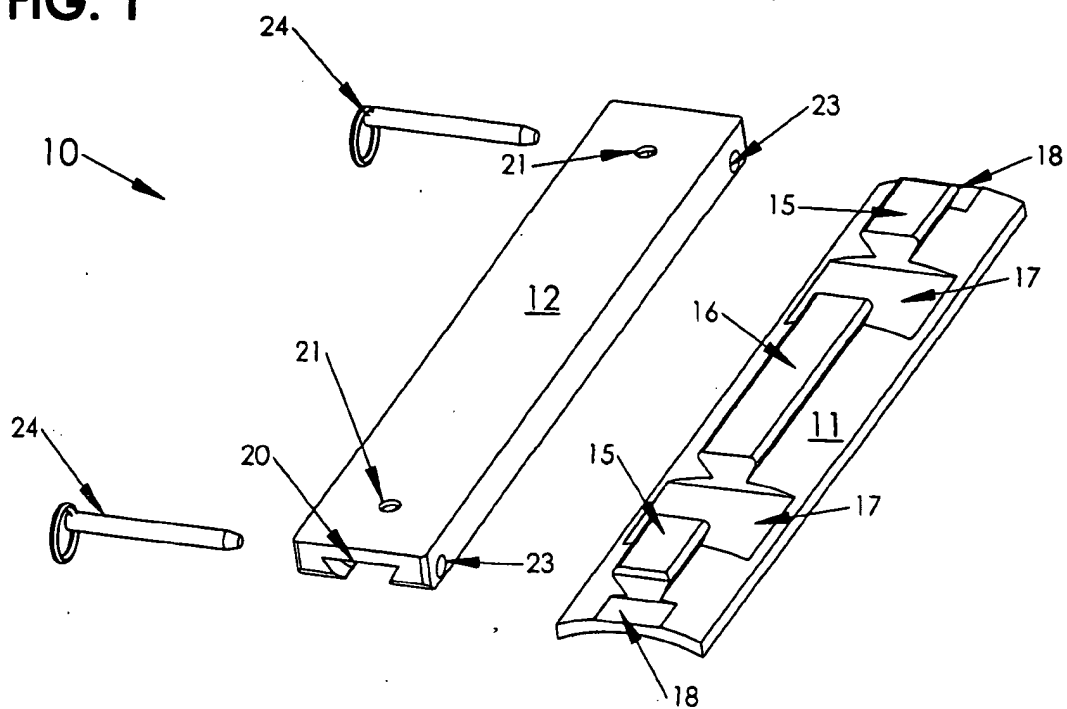
May 31, 2005

What I Claim As My Invention Is:

1. Claims 1-3 cancelled.
2. New Claim 4 - An improved mounting bracket system for SCUBA tanks that is quicker, easier, more balanced, and secure comprising two individual brackets of different design of which said two brackets longer widths are the vertical plain with the narrow widths being the horizontal plain that interconnect to each other wherein one of the brackets is called the SCUBA tank bracket and the second is called the BCD (Bouyancy Compensating Device) bracket with the said first brackets' back side having a curved radius the full vertical length of the bracket with the front side of said first bracket having 3 Dovetail rails (a triangle shaped pattern) being equal in their horizontal width protruding out from the face of the front side of said first bracket in a lateral manner from its' vertical center having one rail, that is longer in its' vertical length than the other two rails of the said 3 rails, positioned in the middle center of said front side of the first bracket with its' middle center being of equal distance from the middle center of the front side of said front bracket in both vertical directions with the other two rails being of equal vertical lengths to each other positioned one each on the opposite ends of the said longer rail with each of the two shorter rails being separated from the ends of the said longer rail by a slot that is recessed below the face of the said front side of the first bracket across its' horizontal plain from leading edge to leading edge of the bracket designed for placing fastening agents against to facilitate the interconnecting of the said two brackets they being fixed in place by the design of the outer ends of the two shorter brackets facing the vertical plain leading edges of the front side of said first bracket front side with both said shorter brackets being separated from the said leading edges by an open area having a flush surface with no protrusions extending out from the surface of the front side of said first bracket allowing room for one Detent pin to be positioned across the horizontal plain of the said flush surface from leading edge to leading edge of the horizontal sides of the said front side of the first bracket which will secure the said two brackets together in a fixed position once the 3 Dovetail rails are interconnected with the female Dovetail slot located on the front side in the vertical center being open ended at both ends in the horizontal center of the front side of the said second bracket by aligning the matching pattern of the Dovetail rail and slot design at either end of the said two brackets respectively in a vertical fashion which will permit the rails of the said SCUBA tank bracket to alide into the female Dovetail slot of the said BCD bracket to be accomplished until both brackets are even with one another at their ends aligning the Detent pin holes located on both sides at both ends of said second bracket so as to allow the Detent pins to be inserted into the Detent pin holes at either end from either side of said second bracket through to the opposite side of said second bracket which will lock the two brackets together in a fixed position so they cannot be disconnected until such time as a Detent pin is removed from its' locking position.



FIG. 1



disapproved kw 5/31/05

Title Of Invention: SCUBA Tank Mounting Brackets

Inventor: Bruce R. Lee

Citizenship: USA

Residence: 6811 - 89th Pl. NE, Marysville, WA. 98270

BACKGROUND OF THE INVENTION

[0001] The invention relates to mounting brackets and, more particularly, to a quick mounting assembly featuring a pair of interconnecting mounting brackets for curved and flat objects for the purpose of attaching a SCUBA tank and accessories to a SCUBA divers BCD (Bouyancy Compensating Device).

[0002] SCUBA divers wear a BCD to which SCUBA tank(s), regulators, and various other accessories are attached. The BCD is a harness type device serving to regulate the divers bouyancy in the water and for the purpose of attaching the divers' necessary accessories for SCUBA diving. The accessories are SCUBA tanks, tank brackets for securing small tanks to the main SCUBA tank, regulators, hoses, and dive lights but not limited to these items. In addition the diver wears weights by means of a weight belt worn around the waist or by weights placed in special pouches built into the BCD. All combined these items mentioned create a considerable amount of weight for the diver to carry. The SCUBA tank is secured to the BCD by means of one or two, typically 2" inch wide, straps with locking cam buckles that are attached to the BCD. Securing the SCUBA tank and other accessories which are attached to the SCUBA tank to the divers BCD can be time consuming, stressful, and not without risk when done incorrectly. The main SCUBA tank with accessories must be secured tightly and at proper position in relation to the BCD for good balance and safety when the diver is in the water. Set up of all this equipment requires many redundant procedures that become stressful and time consuming. The SCUBA tank and accessories if not properly balanced will affect the divers' control while in the water. At times the BCD strap(s) are known to come loose after the diver enters the water. This is a very dangerous and life threatening situation for the diver. Should this happen-another diver needs to re-secure the SCUBA tank to the BCD. This is difficult at best while in the water particularly if there is only one strap securing the SCUBA tank to the BCD.

do not enter KW 5/31/05